

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JASON RUSSELL
Plaintiff,

v.

SAV-ON FENCE, INC.,
and
SAV-ON FENCE, LLC,
Defendants.

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Civil Action No. 3:14-cv-02206

JURY DEMANDED

ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, JASON RUSSELL, by and through his undersigned attorney of record, and sues Defendants, SAV-ON FENCE, INC. and SAV-ON FENCE, LLC (collectively “Defendants”), and in support thereof would show unto this Honorable Court as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).

2. Plaintiff is an individual residing in Tarrant County, Texas.

3. Defendant, SAV-ON FENCE, INC. is a Texas Corporation. This Defendant may be served by serving its registered agent Jeffrey L. O’dell, 221 Ashmore Place, Haslet, Texas 76052.

4. Defendant, SAV-ON FENCE, LLC is a Texas Limited Liability Company. This Defendant may be served by serving its registered agent Michael U. McDonald, 10601 F.M. 156, Haslet, Texas 76052.

5. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1331, Title 28 U.S.C. §1337, and by Title 29 U.S.C. §216(b). At all times pertinent to this complaint, SAV-ON FENCE, INC. and SAV-ON FENCE, LLC were each an enterprise engaged in interstate

commerce. At all times pertinent to this Complaint, these Defendants regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined by §§3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, Plaintiff was individually engaged in commerce and his work was essential to Defendants' businesses.

6. Venue is proper in this district under 28 U.S.C. § 1391.

7. Plaintiff worked for Defendants from July 2013 through November 2013 as a driver / laborer.

8. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of forty (40) hours (overtime hours).

9. During one or more weeks of Plaintiff's employment with Defendants wherein Plaintiff worked overtime hours, Defendants failed to pay Plaintiff one and one-half times his regular rate of pay for each overtime hour worked.

10. The acts described in the preceding paragraph violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendants willfully violated Plaintiff's rights under the FLSA.

11. Additionally, Defendants failed to pay for all hours worked at an hourly rate equal to at least minimum wage. No justification or excuse existed for Defendants' practice of compensating Plaintiff at a rate less than minimum wage. As such, Defendants failed to pay Plaintiff minimum wage for all hours worked in violation of the FLSA. 29 U.S.C. § 206.

12. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages including the amount of overtime and minimum wage which was not paid and which should have been paid.

13. Plaintiff seeks and is entitled to an award of liquidated damages in an equal amount of the unpaid overtime pay and minimum wage pursuant to Section 216 of the Act.

14. Plaintiff also seeks compensation for expenses and costs of court that will be incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys' fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

- a. The Court assume jurisdiction of this cause and that Defendants be cited to appear;
- b. The Court award damages to Plaintiff as specified above with Defendants being found jointly and severally liable;
- c. The Court award reasonable and necessary attorneys' and expert fees and costs;
- d. The Court award Plaintiff pre-and post-judgment interest at the highest rates allowed. Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Date: June 17, 2014

Respectfully submitted,

By: /s/ David G. Langenfeld

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